

MESSAGE NO: 1355305

MESSAGE DATE: 12/21/2011

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: SCO-Scope

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: INSCO-In Scope

FR CITE:

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 12/02/2011

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Scope determination on countervailing duty (CVD) order on aluminum extrusions from the People's Republic of China (PRC) (C-570-968)

1. ON 12/02/2011, IN RESPONSE TO A REQUEST BY AMERICAN FENCE MANUFACTURING COMPANY LLC (AFMC), COMMERCE ISSUED A FINAL SCOPE DETERMINATION THAT AFMC'S (1) BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), (2) FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND (3) GATES, WHICH IT IMPORTS, ARE WITHIN THE SCOPE OF THE CVD ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC (C-570-968).

2. THE DEPARTMENT FOUND THAT THE BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND GATES DESCRIBED IN AFMC'S SCOPE INQUIRY ARE SUBJECT TO THE SCOPE OF THE ORDER BECAUSE THEY ARE MANUFACTURED FROM 6000 SERIES ALUMINUM EXTRUSIONS AND UNDERGO FURTHER FABRICATION, SUCH AS CUTTING, DURING INSTALLATION AND ASSEMBLY.

IN ADDITION, THE DEPARTMENT DETERMINED THAT THESE PRODUCTS DO NOT MEET THE SCOPE EXCLUSION CRITERIA FOR FINISHED GOODS KITS. AFMC'S BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND GATES, AS PACKAGED AT THE TIME OF IMPORTATION, DO NOT CONTAIN ALL OF THE NECESSARY PARTS TO FULLY ASSEMBLE A FINAL FINISHED GOOD, I.E. A FENCING SYSTEM. THE DEPARTMENT ALSO FOUND THAT AFMC'S BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND GATES EACH COMPOSE A SINGLE ELEMENT OF A FINISHED PRODUCT AND, THEREFORE, CANNOT BE ASSEMBLED "AS IS" INTO A FINISHED FENCING SYSTEM. FOR THESE REASONS, AFMC'S BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND GATES DO NOT MEET THE EXCLUSION CRITERIA FOR FINISHED GOODS KITS.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF ALUMINUM EXTRUSIONS

FROM PRC, INCLUDING THE BULK PICKETS AND FENCE POSTS (WITH OR WITHOUT CAPS), FENCE PANELS (WHETHER ASSEMBLED OR IN KIT FORM), AND GATES IMPORTED BY AFMC DESCRIBED ABOVE, SUBJECT TO THE CVD ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:BDK).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party